

Introduced by Senator CedilloFebruary 24, 2006

An act to amend Section 3200 of the Welfare and Institutions Code, relating to narcotic treatment programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1657, as introduced, Cedillo. Narcotic treatment programs.

Current law provides that the Director of the Department of Corrections shall make specified decisions and recommendations relating to the release or discharge of persons committed to the department for treatment of narcotics addiction.

This bill would make technical, nonsubstantive changes in that provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3200 of the Welfare and Institutions
2 Code is amended to read:
3 3200. (a) If at any time the ~~Director~~ *Secretary of Corrections*
4 ~~Corrections and Rehabilitation~~ is of the opinion that a person
5 committed pursuant to Article 3 (commencing with Section
6 3100) while in outpatient status has abstained from the use of
7 narcotics, other than as medically prescribed in a narcotic
8 treatment program pursuant to Section 3154, for at least six
9 consecutive months and has otherwise complied with the
10 conditions of his or her release, the director shall recommend to
11 the Narcotic Addict Evaluation Authority that the person be
12 discharged from the program. If the authority concurs in the

1 opinion of the ~~director~~ *secretary*, it shall discharge the person
2 from the program.

3 (b) If at any time the ~~director~~ *secretary* is of the opinion that a
4 person committed for a period of 24 months, or less, pursuant to
5 Article 2 (commencing with Section 3050) while in outpatient
6 status has abstained from the use of narcotics, other than as
7 medically prescribed in a narcotic treatment program pursuant to
8 Section 3154, for at least 12 consecutive months and has
9 otherwise complied with the conditions of his or her release, or if
10 at any time the ~~director~~ *secretary* is of the opinion that a person
11 committed for a period of more than 24 months pursuant to
12 Article 2 (commencing with Section 3050) while in outpatient
13 status has abstained from the use of narcotics, other than as
14 medically prescribed in a narcotic treatment program pursuant to
15 Section 3154, for at least 16 consecutive months and has
16 otherwise complied with the conditions of his or her release, the
17 ~~director~~ *secretary* shall so advise the Narcotic Addict Evaluation
18 Authority. If the authority concurs in the opinion of the ~~director~~
19 *secretary*, it shall file with the superior court of the county in
20 which the person was committed a certificate alleging those facts
21 and recommending to the court the discharge of the person from
22 the program. The authority shall serve a copy of the certificate
23 upon the district attorney of the county. Upon the filing of the
24 certificate, the court shall discharge the person from the program.
25 The court may, unless otherwise prohibited by law, modify the
26 sentence, dismiss the criminal charges of which the person was
27 convicted, or suspend further proceedings, as it deems warranted
28 in the interests of justice. Where the person was certified to the
29 superior court pursuant to Section 3050 the person shall be
30 returned to the court that certified the person, which may dismiss
31 the original charges. In any case where the criminal charges are
32 not dismissed and the person is sentenced thereon, time served in
33 custody while under commitment pursuant to Article 2
34 (commencing with Section 3050) shall be credited on the
35 sentence. The dismissal shall have the same force and effect as a
36 dismissal under Section 1203.4 of the Penal Code, except the
37 conviction is a prior conviction for purposes of Division 10

1 (commencing with Section 11000) of the Health and Safety
2 Code.

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